



LEGISLATIVE REVIEW SUMMARY

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SPRING 2023

30TH LEGISLATURE, FOURTH SESSION

LEGISLATIVE REVIEW SUMMARY

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Highlights

The 2023 spring seating of the Legislature resulted in the passage of the following Acts:

1. *Red Tape Reduction Statutes Amendment Act*, SA 2023 c5
2. *Financial Statutes Amendment Act*, SA 2023 c3
3. *Appropriation Act*, SA 2023 c1
4. *Appropriation (Supplementary Supply) Act*, SA 2023 c2

Amended Legislation

- *Alberta Corporate Tax Act*, RSA 2000 cA-15
- *Alberta Heritage Savings Trust Fund Act*, RSA 2000 cA-23
- *Alberta Personal Income Tax (Charitable and Other Gifts) Amendment Act*, SA 2022 c18
- *Alberta Personal Income Tax Act*, RSA 2000 cA-30
- *Bee Act*, RSA 2000 cB-2
- *Business Corporations Act*, RSA 2000 cB-9
- *Child, Youth and Family Enhancement Act*, RSA 2000 cC-12
- *Civil Enforcement Act*, RSA 2000 cC-15
- *Continuing Care Act*, SA 2022 cC-26.7
- *Credit Union Act*, RSA 2000 cC-32
- *Debtors' Assistance Act*, RSA 2000 cD-6
- *Fiscal Planning and Transparency Act*, SA 2015 cF-14.7
- *Foreign Cultural Property Immunity Act*, RSA 2000 cF-17
- *Health Facilities Act*, RSA 2000 cH-2.7
- *Health Statutes Amendment Act*, SA 2020 c35
- *Horse Racing Alberta Act*, RSA 2000 cH-11.3
- *Income and Employment Supports Act*, SA 2003 cI-0.5
- *Infrastructure Accountability Act*, SA 2021 cI-1.6
- *Insurance Act*, RSA 2000 cI-3
- *Investing in a Diversified Alberta Economy Act*, SA 2016 cI-10.5
- *Irrigation Districts Act*, RSA 2000 cI-11
- *Labour Relations Code*, RSA 2000 cL-1
- *Land Titles Act*, RSA 2000 cL-4
- *Local Government Fiscal Framework Act*, SA 2019 cL-21.5
- *Municipal Government Act*, RSA 2000 cM-26
- *Personal Property Security Act*, RSA 2000 cP-7
- *Petty Trespass Act*, RSA 2000 cP-11
- *Pharmacy and Drug Act*, RSA 2000 cP-13
- *Post-secondary Learning Act*, SA 2003 cP-19.5

- *Provincial Court Act*, RSA 2000 cP-31
- *Public Education Collective Bargaining Act*, SA 2015 cP-36.5
- *Public Transit and Green Infrastructure Project Act*, SA 2019 cP-43.8
- *Public Works Act*, RSA 2000 cP-46
- *Securities Act*, RSA 2000 cS-4
- *Seniors Benefit Act*, RSA 2000 cS-7
- *Trespass to Premises Act*, RSA 2000 cT-7
- *Workers' Compensation Act*, RSA 2000 cW-15

Detailed Listing of Bills

BILL 9 — *Red Tape Reduction Statutes Amendment Act*, SA 2023 c5

- Amended:**
- *Bee Act*, RSA 2000 cB-2
 - *Civil Enforcement Act*, RSA 2000 cC-15
 - *Continuing Care Act*, SA 2022 cC-26.7
 - *Foreign Cultural Property Immunity Act*, RSA 2000 cF-17
 - *Health Facilities Act*, RSA 2000 cH-2.7
 - *Health Statutes Amendment Act*, SA 2020 c35
 - *Income and Employment Supports Act*, SA 2003 cI-0.5
 - *Irrigation Districts Act*, RSA 2000 cI-11
 - *Labour Relations Code*, RSA 2000 cL-1
 - *Land Titles Act*, RSA 2000 cL-4
 - *Municipal Government Act*, RSA 2000 cM-26
 - *Personal Property Security Act*, RSA 2000 cP-7
 - *Petty Trespass Act*, RSA 2000 cP-11
 - *Pharmacy and Drug Act*, RSA 2000 cP-13
 - *Provincial Court Act*, RSA 2000 cP-31
 - *Public Transit and Green Infrastructure Project Act*, SA 2019 cP-43.8
 - *Public Works Act*, RSA 2000 cP-46
 - *Seniors Benefit Act*, RSA 2000 cS-7
 - *Trespass to Premises Act*, RSA 2000 cT-7
 - *Workers' Compensation Act*, RSA 2000 cW-15

Summary: The *Red Tape Reduction Statutes Amendment Act* amended twenty pieces of legislation by making mostly consequential amendments. The following are notable:

Irrigation Districts Act

In addition to when it is “impractical, uneconomical or undesirable”, the Act allows a district to remove a parcel with irrigation acres from the district if, in the opinion of the district, water has not been delivered to the parcel over a period of three years and there is no reasonable likelihood that water use will be resumed on the parcel.

Land Titles Act

The Act allows the Registrar to register or file instruments, plans, caveats, and other documents created and/or signed electronically. It also allows the Registrar to establish policies related to processes allowing the Land Titles office to process submission forms. The policies so established are exempt from the provisions of the Regulations Act and must be made available to the public on a website designated by the Registrar and by any other means the Registrar considers appropriate.

Abuse of the digital signature provisions is an offence, subject to a fine of not more than \$10, 000 or imprisonment for a term of not more than 6 months.

Public Transit and Green Infrastructure Project Act

The Act repealed section 10 which previously authorized the Lieutenant Governor in Council to, by order, and with a minimum of 90 days' notice to the Cities of Calgary and Edmonton, terminate grant and funding agreements without cause.

Personal Property Security Act

In addition to prior provisions, a perfected security interest in personal property now also has priority over a writ that binds the property if the collateral is investment property and the secured party has perfected by control.

Workers' Compensation Act

The Act

- Allows the Workers' Compensation Board to pay an allowance in respect of home or community care of disabled workers, if the care is considered comparable to facility-based care; and
- Grants presumptive cancer coverage to full-time or part-time firefighters who suffered primary site cancers of a type specified in the regulations, if they were exposed to the hazards of a fire scene, other than a forest-fire scene, in Fort McMurray or any other area in Alberta within the area of the Horse River wildfire in the period beginning on May 1, 2016, and ending on June 1, 2016.

Practitioners are advised to review the *Red Tape Reduction Statutes Amendment Act* to determine how the amendments affect their practice.

In Force: December 15, 2022 (with exceptions)

BILL 10 — *Financial Statutes Amendment Act, SA 2023 c3*

- Amended:**
- *Alberta Corporate Tax Act*, RSA 2000 cA-15
 - *Alberta Heritage Savings Trust Fund Act*, RSA 2000 cA-23
 - *Alberta Personal Income Tax Act*, RSA 2000 cA-30
 - *Alberta Personal Income Tax (Charitable and Other Gifts) Amendment Act*, SA 2022 c18
 - *Business Corporations Act*, RSA 2000 cB-9
 - *Child, Youth and Family Enhancement Act*, RSA 2000 cC-12
 - *Credit Union Act*, RSA 2000 cC-32
 - *Debtors' Assistance Act*, RSA 2000 cD-6
 - *Fiscal Planning and Transparency Act*, SA 2015 cF-14.7
 - *Horse Racing Alberta Act*, RSA 2000 cH-11.3
 - *Infrastructure Accountability Act*, SA 2021 cI-1.6
 - *Insurance Act*, RSA 2000 cI-3
 - *Investing in a Diversified Alberta Economy Act*, SA 2016 cI-10.5
 - *Local Government Fiscal Framework Act*, SA 2019 cL-21.5
 - *Post-secondary Learning Act*, SA 2003 cP-19.5
 - *Public Education Collective Bargaining Act*, SA 2015 cP-36.5
 - *Securities Act*, RSA 2000 cS-4

Summary: The *Financial Statutes Amendment Act* amended seventeen acts by making mostly consequential amendments. The following are notable:

Alberta Heritage Savings Trust Fund Amendment Act

The Treasury Board must now approve the transfer of money from the General Revenue Fund to the Heritage Fund for the 2021-2022 and subsequent fiscal years.

Alberta Corporate Tax Act

In addition to the corporation's maximum expenditure limit for the year, the amount of any agri-processing investment tax credit deducted by the corporation in the taxation year must be converted to the functional currency at the average exchange rate for the purposes of determining a corporation's Canadian tax results in a taxation year that is a functional currency year of the corporation for the year.

Alberta Personal Income Tax Act

The Act increases the maximum amount of child adoption credit from \$13,247 to \$18,210.

Alberta Personal Income Tax (Charitable and Other Gifts) Amendment Act

The Act enables the changes to Alberta's charitable tax credit rate to retroactively come into effect on January 1, 2023.

Child, Youth and Family Enhancement Act

The Director may provide health benefits for an adopted child who was placed for adoption by a licensed adoption agency, except in respect of an adopted child in an intercountry adoption, a child adopted by their step-parent or a direct adoption by an adoptive parent from the child's guardian.

To determine or audit the eligibility or continuing eligibility for health benefits, a director may seek, verify, collect, use, and disclose personal information.

Credit Union Act

The Act:

- allows credit unions to accept deposits from, make loans to, or guarantee the obligations of non-members and non-resident members if the total funds do not exceed amounts allowed by regulations;
- amends the notice period for general meetings from a maximum of 40 to 50 days;
- allows credit unions to determine the frequency of the intervals at which they collect interest on loans;
- exempts credit unions in cases of amalgamations from the required common share redemption limit of 10%; and
- authorizes the Credit Union Deposit Guarantee Corporation to set standards for the recurrence and content of financial and statistical related reporting requirements for credit unions. The standards are exempt from the Regulations Act, but the Corporation must ensure that the reports are published in such a form that they are likely to be available to persons likely to be affected by them.

Horse Racing Alberta Act

Membership of the Horse Racing Alberta board has been increased from 14 to 15 with one person being a non-voting member. There are now four public members. The Board must establish three-member appeal panels to deal with a particular

matter or class or group of matters and designate a member to chair each panel. The Appeal Tribunals may hold in-person hearings as well as virtual hearings.

Investing in a Diversified Alberta Economy Act

A new agri-processing tax credit program was created.

Post-Secondary Learning Act

A cap on tuition increases was instituted for domestic students at most public post-secondary institutions in accordance with the regulations or 2% for 2024-25 and future academic years.

Practitioners are advised to review the *Financial Statutes Amendment Act* to determine how the amendments affect their practice.

In Force: December 15, 2022 (with exceptions)

BILL 11 — *Appropriation Act, SA 2023 c1*

Summary: The *Appropriation Act* addresses charges and expenses of the Public Service (not otherwise provided for) during the fiscal year ending March 31, 2024.

In Force: March 28, 2023

BILL 12 — *Appropriation (Supplementary Supply) Act, SA 2023 c2*

Summary: The *Appropriation (Supplementary Supply) Act* addresses charges and expenses of the Public Service (not otherwise provided for) during the fiscal year ending March 31, 2023.

In Force: March 28, 2023

2022-23 Legislative Review Committee



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The Canadian Bar Association - Alberta Branch Legislative Review Committee is partially funded by the Alberta Law Foundation. It has subcommittees in both Edmonton and Calgary and has filled a role in the legislative review process in Alberta for over 30 years. The Committee reviews all bills introduced in the Alberta Legislature and provides comments and assistance to both Government and the Bar on drafting and operative aspects of legislation and amending legislation. The Committee is often called upon confidentially to give legal practitioners' input on draft legislation and regulations. It played significant roles in the shaping of the Personal Property Security Act, the Civil Enforcement Act, the Builders' Lien Act and other Alberta statutes. Its chairperson sits as a member of various stakeholder committees consulted by Government, including the Registry Liaison Committee, which have helped shape statute law.

The Committee draws upon practitioners with a wide range of practical experience, some of whom have served for many years. It also, through its Legislative Liaison Officer, facilitates input by CBA sections, the Law Society, and business and community groups on the policy of legislation.